



Signature Report

December 1, 2009

R&R

Proposed No. BOH09-08.1

1 A RULE AND REGULATION for the protection of the
2 public health against diseases and injury from, and
3 establishing permit requirements for, commercial kennels,
4 pet daycare facilities, animal shelters and pet grooming
5 services; amending R&R 06-01, Section 2, and BOH
6 8.01.020 and R&R 06-01, Section 5, and BOH 8.01.030
7 and adding a new chapter to BOH Title 8; enacted pursuant
8 to RCW 70.05.060, including the latest amendments or
9 revisions thereto.

10
11 BE IT ADOPTED BY THE KING COUNTY BOARD OF HEALTH:

12 SECTION 1. R&R 06-01, Section 2, and BOH 8.01.020 are each hereby
13 amended to read as follows:

14 **Purpose and policy.**

15 A. Authority is established under RCW Chapter 70.05 for the control and
16 prevention of zoonotic disease. This title is enacted as an exercise of the Board of Health
17 powers of King County to protect and preserve the public peace, health, safety and

welfare. Its provisions shall be liberally construed for the accomplishment of these purposes. This title governs the prevention of zoonotic disease and includes rabies control ~~((and))~~, rodent control and provisions for pet shops, commercial kennels, pet daycare facilities, animal shelters, pet grooming services and pet food retail businesses.

B. ~~((It is expressly the purpose of this title to provide for and promote the peace, health, safety and welfare of the general public, and not))~~ Nothing in this title is intended to or shall be construed to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this title.

C. Nothing contained in this title is intended to be or shall be construed to create or form the basis for any liability on the part of King County, or its officers, employees or agents, for any injury or damage resulting from the failure of any person subject to this title to comply with this title, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this title on the part of King County by its officers, employees or agents.

SECTION 2. R&R 06-01, Section 5, and BOH 8.01.030 are each hereby amended to read as follows:

Definitions. The definitions in this section apply throughout this title unless the context clearly requires otherwise.

A. ~~((Director.))~~ "Director" means the director of the Seattle-King County Department of Public Health or the director's duly authorized representative.

B. "Immediate and irreparable health hazard" means a finding by the director that a significant threat or danger to health exists based on evidence that a product, practice,

41 circumstance, or event creates a situation that requires immediate correction or cessation
42 of operation to prevent injury based on:

43 1. A lack of water preventing adequate handwashing, equipment cleaning or
44 sanitizing;

45 2. An emergency situation caused by accident or natural disaster, such as fire,
46 flood or building collapse;

47 3. A misuse of poisonous or toxic materials;

48 4. A gross unsanitary occurrence or condition, such as a sewage backup or
49 sewage contamination within a facility or premises regulated under this title;

50 5. An occurrence of an outbreak of zoonotic illness linked to a facility or
51 premises regulated under this title; or

52 6. Other circumstance that may endanger public health.

53 C. ((Vector.)) "Vector" means an organism capable of transmitting a pathogen,
54 and includes insects and rodents.

55 ~~((C. Zoonotic disease or zoonosis.))~~ D. "Zoonotic disease" or "zoonosis" means
56 a disease or infection communicable from vertebrate animals to humans, including any
57 such disease transmitted by intermediate insect vectors such as mosquitoes, fleas((;)) or
58 ticks.

59 SECTION 3. Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20,
60 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30 of this rule should constitute a new chapter on
61 commercial kennels, pet daycare facilities, animal shelters and pet grooming services in
62 BOH Title 8.

63 NEW SECTION. SECTION 4. Citation. This chapter may be cited and referred
64 to, and shall be known as, the "King County Board of Health Commercial Kennel, Pet
65 Daycare Facility, Animal Shelter and Pet Grooming Service Regulations."

66 NEW SECTION. SECTION 5. Purpose and scope of chapter.

67 A. This chapter governs the protection of human health and safety against the
68 spread of dangerous, contagious, or infectious diseases by animals in commercial
69 kennels, pet daycare facilities, animal shelters and pet grooming services.

70 B. It is the specific intent of this chapter to place the obligation of complying
71 with its requirements upon owners and operators of commercial kennels, pet daycare
72 facilities, animal shelters, pet grooming services and other persons designated by this
73 chapter within its scope, and no provision of nor term used in this chapter is intended to
74 impose any duty whatsoever upon King County or any of its officers or employees, for
75 whom the implementation or enforcement of this chapter shall be discretionary and not
76 mandatory.

77 NEW SECTION. SECTION 6. Relationship of chapter to other laws, rules
78 **and regulations.**

79 A. In addition to the control and prevention of zoonotic disease, and in
80 recognition of the public policy of the county to protect animal and human health and
81 safety and prevent cruelty to animal life, it is the intent of this chapter to promote the
82 health, safety and well-being of animals kept, housed or cared for in commercial kennels,
83 pet daycare facilities, animal shelters and pet grooming services.

84 B. Nothing in this chapter shall affect the obligation of any owner or operator of
85 any commercial kennel, pet daycare facility, animal shelter or pet grooming service, or

86 the owner or keeper of any pet animal, to comply with other applicable laws, rules and
87 regulations, including but not limited to those governing animal care and control, building,
88 zoning or environmental standards.

89 NEW SECTION. SECTION 7. Definitions. The definitions in this section apply
90 throughout this chapter unless the context clearly requires otherwise.

91 A. "Animal" means any living creature except *Homo sapiens*, insects and worms.

92 B. "Animal shelter" means a facility used to house or contain and offer or
93 distribute for adoption as pets any stray, homeless, abandoned or unwanted animals other
94 than livestock and that is owned, operated or maintained by a public body, an established
95 humane society, animal welfare society, society for the prevention of cruelty to animals
96 or other nonprofit organization, or by a person or persons devoted to the welfare,
97 protection and humane treatment of animals. "Animal shelter" includes "satellite pet
98 adoption facility," but does not include pet adoption services performed at an animal
99 shelter or satellite pet adoption facility not more than a total of twenty-one days per
100 calendar year.

101 C. "Board" means the provision of shelter and food to pet animals by an entity
102 other than the pet's owner and at a location separate from the owner's residence.

103 D. "Commercial kennel" means any establishment or facility where four or more
104 dogs or cats are kept for commercial purposes including but not limited to, board,
105 propagation, and training. Commercial kennels include, but are not limited to, dog or cat
106 boarding facilities, training facilities where dogs or cats are boarded during the course of
107 training, catteries, and dog or cat breeding or importation businesses. Commercial
108 kennels do not include pet shops, pet daycare facilities, animal shelters, pet grooming

109 services, or veterinary hospitals or clinics where animals are kept for surgical or medical
110 treatment under the supervision of a licensed veterinarian.

111 E. "Establishment" or "facility" means those portions of any building, yard, pen,
112 or other area at a single location in which any animals are kept or transported for the
113 purpose of adoption, breeding, boarding, day care, grooming, selling, sheltering, trading
114 or otherwise handling animals, or in which a pet food retail business is located.

115 F. "Livestock" means farm animals raised for food or fiber production or kept for
116 recreational purposes, including but not limited to horses, donkeys, mules, cattle, sheep,
117 llamas, alpacas, goats, and swine, but excluding birds, Vietnamese, Chinese or Asian pot-
118 bellied pigs, and miniature breeds of livestock kept primarily as pets.

119 G. "Mobile grooming unit" means any mobile vehicle used as a pet grooming
120 service.

121 H. "Operator" or "person in charge" means the individual present at a commercial
122 kennel, pet daycare facility, animal shelter or pet grooming service who is responsible for
123 the operation of the facility and the care and welfare of the animals present.

124 I. "Owner" means a person either owning or responsible for the operation of a
125 commercial kennel, pet daycare facility, animal shelter or pet grooming service, or both.

126 J. "Pet" means a nonlivestock animal kept by a private individual for pleasure or
127 companionship.

128 K. "Pet daycare facility" means any commercial facility where four or more dogs
129 or other pet animals are left by their owners for periods of supervised social interaction in
130 play groups with other animals of the same species for the majority of the time the pets
131 are at the facility during the hours the facility is open to the public.

L. "Pet food retail business" or "pet food retailer" means a _____

_____.

M. "Pet grooming service" means any place, establishment or mobile unit, public or private, where pet animals are bathed, clipped or combed for the purpose of enhancing their aesthetic value or health, or both, and for which a fee is charged. "Pet grooming service" includes any self-service dog washing business where customers wash their own pets, but does not include incidental bathing or combing of pets as part of regular animal care performed at a pet shop, commercial kennel, pet daycare facility or animal shelter, or performed on an infrequent and nonprofit basis for hobby or recreational purposes.

N.1. "Pet shop" means any establishment, store or department of any store that acquires, through purchase, consignment, donation, importation or breeding, live animals including birds, reptiles, amphibians, fish or poultry but excluding livestock, and sells or offers to sell, adopt or trade the live animals to the public or to retail outlets.

2. "Pet shop" does not include the hobby breeding of animals at or adjoining a private residence provided the maximum number of animals permitted on the premises under local zoning or other applicable ordinances is not exceeded, and also does not include animal shelters.

O. "Poultry" means all domesticated fowl and all game birds which are legally held in captivity.

P. "Satellite pet adoption facility" means a fixed location within a separately permitted pet shop, commercial kennel, pet daycare facility, pet grooming service or pet

155 food retail business where an animal shelter, its staff or volunteers house, care for, and
156 regularly offer pets for adoption from the fixed location.

157 Q. "Water resistant" means that which repels water. The following materials and
158 substances shall be considered water resistant: painted or sealed wood surfaces, sealed
159 concrete, sealed concrete blocks, stainless steel, vinyl flooring, glass, treated or sealed
160 paneling, fiberglass, tile, tile blocks and other materials approved by the director on a
161 case by case basis after finding that the material is water resistant.

162 NEW SECTION. SECTION 8. Overnight boarding. Overnight boarding is
163 permitted at commercial kennels, pet daycare facilities and animal shelters. Overnight
164 boarding is not permitted at pet grooming services or pet shops unless the owner or
165 operator obtains a separate commercial kennel, pet daycare facility or animal shelter
166 permit for the facility.

167 NEW SECTION. SECTION 9. Indoor facility construction and equipment
168 **standards for commercial kennels, pet daycare facilities, animal shelters and pet**
169 **grooming services.** The owner or operator of any commercial kennel, pet daycare
170 facility, animal shelter or pet grooming service, as applicable, shall at all times maintain
171 the indoor areas of the kennel, facility, shelter or service in compliance with the
172 following standards:

173 A. Ensure that buildings are of adequate structure, maintained in good repair, and
174 secured in order to protect animals from injury or escape and restrict the entry of animals
175 from outside;

176 B. Provide sufficient heating and cooling of indoor areas to maintain the ambient
177 temperature not less than fifty degrees Fahrenheit and not greater than ninety degrees

Fahrenheit, except that the owner or operator shall maintain indoor temperatures consistent with the needs of the pet animals at the facility, and shall protect the animals from temperatures to which the animals are not accustomed or which may be deleterious to the animals' health;

C. Provide lighting, whether natural or artificial or a combination of both, sufficient for inspection of the animals, routine cleaning, and proper animal care;

D. Provide sufficient ventilation to ensure the health and comfort of the animals and to minimize odors and moisture condensation. Fresh air may be provided by means of windows, doors, vents, fans or turbine ventilators, or by heating and cooling systems;

E. Construct all floors and walls of readily cleanable and water impervious material in indoor rooms, play areas, runs, pens, crates and cages used to retain animals or in areas where animals are clipped, groomed or treated, and maintain all such rooms, play areas, runs, pens crates and cages in good repair. Ensure that floors have proper drainage to rapidly eliminate excess water, and that seams in flooring are designed and installed to prevent accumulation of liquids, moisture or debris. Construct interior walls so that the interface with floor surfaces is sealed from the flow or accumulation of liquids, moisture or debris;

F. Maintain hot and cold running water conveniently available at all times, and provide a sink or tub of sufficient size for washing of equipment and utensils used in the facility, including washing and sanitizing of toys, litter pans, dishes, bowls and other food and water containers and utensils used for feeding of animals;

G. Provide toilet and handwashing facilities with hot and cold running water, except that toilet facilities are not required for mobile grooming units;

201 H. Ensure that food and water containers and utensils used for mixing of food
202 and feeding of animals are constructed of metal or other water impervious material that is
203 readily cleanable and kept in good condition;

204 I. Provide and maintain refrigeration at forty-one degrees Fahrenheit, or five
205 degrees Celsius, or lower for the protection of perishable foods;

206 J. Store and prepare separately from pet food and pet medications any
207 medications, food, and beverages intended for human consumption;

208 K. Store cleaning products and disinfectants securely in areas inaccessible to
209 animals kept at the facility;

210 L. Provide an adequately ventilated isolation area physically separated from the
211 rest of the animals for segregation of pets that become sick, are injured or are suspected
212 of having a contagious disease, except that isolation areas are not required for mobile
213 grooming units;

214 M. Ensure that any common animal play areas are of sufficient size to allow for
215 maintenance of sanitary conditions and to avoid overcrowding of animals;

216 N. Ensure that any grooming facilities in commercial kennels, pet daycare
217 facilities and animal shelters are physically separated from common animal play areas
218 and boarding areas;

219 O. Ensure that any furnishings such as rugs, couches, mattresses or chairs
220 contained within a common play area are made of materials that can readily be laundered
221 with hot water and detergent or otherwise readily cleaned and sanitized, and that the
222 furnishings are maintained in a sanitary condition;

P. Provide and maintain cages, crates, pens or individual runs where animals can periodically rest or sleep; and

Q. Dispose of excreta, soiled litter, bedding, waste water and other materials by sanitary means in accordance with applicable laws, rules and ordinances.

NEW SECTION. SECTION 10. Outdoor facilities for commercial kennels, pet daycare facilities, animal shelters and pet grooming services. The owner or operator of any commercial kennel, pet daycare facility, animal shelter or pet grooming service shall at all times maintain any outdoor areas of the kennel, facility, shelter or service in compliance with the following standards:

A. Provide adequate walls or fences and keep them secured and maintained in good repair to protect pet animals from injury or escape and restrict the entry of animals from outside;

B. Provide areas of shelter from excessive sunlight, rain, snow, wind or other elements unless animals are provided indoor facilities to protect them from adverse climate conditions;

C. Provide adequate drainage in outdoor areas to prevent standing water or accumulation of liquids, mud, debris, excreta or other materials. Surfaces may be made of concrete, asphalt or similar materials designed to facilitate cleaning and removal of animal wastes and debris. Natural lawn or turf may be used if well maintained with regular watering, mowing and repair, and kept free of mud or bare dirt. Alternatively, surfaces may be covered with a sufficient layer of a disposable material such as gravel, sand or coarse wood chips that can be removed when contaminated by animal excreta and periodically changed to maintain sanitary conditions; and

246 D. Dispose of excreta, dead animals, soiled litter, bedding, waste water and other
247 materials by sanitary means in accordance with applicable laws, rules and ordinances.

248 NEW SECTION. NEW SECTION 11. Primary animal enclosures for
249 **commercial kennels, pet daycare facilities, animal shelters and pet grooming**
250 **services.** The owner or operator of any commercial kennel, pet daycare facility, animal
251 shelter or pet grooming service shall at all times maintain the primary animal enclosures
252 including cages, pens, runs, tanks and habitats in compliance with the following
253 standards:

254 A. Provide and maintain primary enclosures of sufficient size to allow each pet
255 animal to turn around, exercise normal postural movements, experience or avoid
256 socialization with cage mates, and avoid overcrowding;

257 B. Maintain primary animal enclosures in good condition and repair to protect
258 animals from injury, to contain them, to prevent entry of predators, and to allow animals
259 to stay clean and dry, except for aquatic species;

260 C. Ensure that primary animal enclosures are constructed of materials that are
261 water resistant and can be readily cleaned and disinfected;

262 D. If wire or slatted flooring is used, ensure that it is constructed to prevent injury
263 to animals' feet and legs. Use wire mesh or slats of adequate gauge or size to prevent
264 sagging under the animals' weight and small enough to prevent the animals' feet from
265 passing through. Ensure that the floor or other surface under wire bottom cages where
266 animal wastes fall are made of a water resistant material that can be readily cleaned and
267 disinfected. When the primary flooring is wire mesh or a slatted material, provide solid
268 resting surfaces according to the needs of the species;

- 269 E. Maintain primary animal enclosures in a clean and sanitary condition; and
270 F. Cedar shavings may not be used for bedding or litter material for rodents,
271 rabbits, chinchillas, ferrets or reptiles.

272 **NEW SECTION. SECTION 12. Sanitation standards for commercial**
273 **kennels, pet daycare facilities, animal shelters and pet grooming services.** The owner
274 or operator of any commercial kennel, pet daycare facility, animal shelter or pet
275 grooming service shall at all times maintain the kennel, facility, shelter or service in
276 compliance with the following sanitation standards:

277 A. Maintain all areas where equipment, supplies, and food for animals are stored
278 in a clean and sanitary condition and free from insects and rodents;

279 B. Maintain all indoor and outdoor play areas, grooming areas, cages, pens, runs,
280 crates, furnishings, bedding and other animal housing in a clean and sanitary condition
281 and disinfected on a routine basis as approved by the director; and

282 C. Ensure that sanitation is accomplished through cleaning of surfaces and
283 equipment to remove gross contamination, dirt, and debris followed by the application of
284 a safe and effective disinfectant product, or as approved by the director.

285 **NEW SECTION. SECTION 13. Animal health, care, and disease prevention**
286 **standards for pet daycare facilities.** The pet daycare facility owner or operator shall at
287 all times maintain the pet daycare facility in compliance with the following animal care,
288 feeding and disease prevention standards:

289 A. Provide proper food and potable water to the animals, according to the needs
290 of the species;

291 B. Immediately separate sick or significantly injured animals and those suspected
292 of having a contagious disease from those appearing healthy and normal. Keep animals
293 suspected of having a contagious disease in a designated separation area in order to avoid
294 exposure to other animals or people. Ensure that only designated staff trained in
295 infection control procedures as set forth in the basic infection control plan required under
296 this chapter attend to animals held in the designated separation area, and that sick and
297 injured animals and those suspected of having a contagious disease are released to their
298 owners or receive veterinary care as soon as possible after the illness or injury is
299 discovered;

300 C. Before admission of a dog, cat or ferret four months of age or older, the pet
301 daycare facility owner or operator shall obtain a copy of a valid rabies certificate or other
302 verification from a licensed veterinarian, or written acknowledgment from the pet owner,
303 that the animal is currently immunized against rabies in accordance with the King County
304 Board of Health Rabies Regulations, BOH chapter 8.04;

305 D. At all times that animals are allowed to commingle for the purposes of play or
306 exercise, the pet daycare facility owner or operator shall ensure that there is direct
307 supervision by a sufficient number of trained employees responsible for the management
308 of the playgroup, including:

309 1. Maintaining a person in charge present at all times that any pet animal is
310 present at the establishment;

311 2. For every twenty pet animals commingled in any common play area at the
312 facility, maintaining the presence of no fewer than one supervisory employee responsible
313 for the welfare of the animals and equipped to immediately remove animal feces, urine or

other bodily fluids followed by cleaning and disinfection of the soiled area. For purposes of this section, persons actively engaged in grooming or who are viewing animals by video camera do not qualify as supervisory employees for pets in commingled groups;

3. Prevent overcrowding of animals in the community areas; and

4. The director may limit the number of animals that may be maintained in a common play area in order to prevent overcrowding and reduce the risk of zoonotic disease transmittal;

E. When pets are boarded overnight or present on days when the pet daycare facility is closed to the public, the person in charge or other employee under the supervision of the person in charge shall feed, water and perform cleaning as necessary, or as may be required by the director. When pets are boarded overnight or present on days when the daycare is closed, pets may be commingled only if the operator is present to provide direct supervision as is required during business hours; and

F. A pet daycare facility may not offer pet adoption services, pet grooming services or sales of pets unless the facility has obtained a public health permit for these services in accordance with the requirements of this title, as applicable.

NEW SECTION. SECTION 14. Animal health, care, and disease prevention standards for commercial kennels. The commercial kennel owner or operator shall at all times maintain the commercial kennel in compliance with the following animal care and disease prevention standards:

A. Provide proper food and potable water to the animals, according to the needs of the species. Provide cats with a litter pan;

336 B. Immediately separate sick or significantly injured animals and those suspected
337 of having a contagious disease from those appearing healthy and normal. Keep animals
338 suspected of having a contagious disease in isolation quarters with adequate ventilation
339 and care to keep from exposing other animals or clients. Ensure that only designated
340 staff trained in infection control procedures attend to animals held in isolation, and that
341 sick and injured animals and those suspected of having a contagious disease are released
342 to their owners or receive veterinary care as soon as possible after the illness or injury is
343 discovered;

344 C. Before admission of a dog, cat or ferret four months of age or older, the
345 commercial kennel owner or operator shall obtain a copy of a valid rabies certificate or
346 other verification from a licensed veterinarian, or written acknowledgment from the pet
347 owner, that the animal is currently immunized against rabies in accordance with the King
348 County Board of Health Rabies Regulations, BOH chapter 8.04;

349 D. At all times when the commercial kennel is open to the public, the owner or
350 operator shall ensure a person in charge is present at the establishment and responsible
351 for the care and welfare of the pets. The person in charge, or other employee or
352 employees under the supervision of the person in charge, shall feed, water and perform
353 necessary cleaning on all days the commercial kennel is closed to the public, or as may
354 be required by the director;

355 E. At all times that animals are allowed to commingle for the purposes of play or
356 exercise, the commercial kennel owner or operator shall ensure that there is direct
357 supervision by a sufficient number of trained employees responsible for the management
358 of the playgroup, including:

359 1. Maintaining a person in charge present at all times that any pet animal is
360 present at the establishment;

361 2. For every twenty pet animals commingled in any common play area at the
362 facility, maintaining the presence of no fewer than one supervisory employee responsible
363 for the welfare of the animals and equipped to immediately remove animal feces, urine or
364 other bodily fluids followed by cleaning and disinfection of the soiled area. For purposes
365 of this section, persons actively engaged in grooming or who are viewing animals by
366 video camera do not qualify as supervisory employees for pets in commingled groups;

367 3. Prevent overcrowding of animals in the community areas; and

368 4. The director may limit the number of animals that may be maintained in a
369 common play area in order to prevent overcrowding and reduce the risk of zoonotic
370 disease transmittal;

371 F. A commercial kennel may not offer pet grooming services, pet adoption
372 services or sales of pets unless the commercial kennel has obtained a public health permit
373 for theses services in accordance with the requirements of this title, as applicable.

374 NEW SECTION. SECTION 15. Animal health, care, and disease prevention
375 **standards for animal shelters.** The animal shelter owner or operator shall at all times
376 maintain the animal shelter in compliance with the following animal care and disease
377 prevention standards:

378 A. Provide proper food and potable water to the animals, according to the needs
379 of the species. Provide cats with a litter pan;

380 B. Immediately separate sick or significantly injured animals and those suspected
381 of having a contagious disease from those appearing healthy and normal. Keep animals

382 suspected of having a contagious disease in isolation quarters with adequate ventilation
383 and care to keep from exposing other animals or visitors to the shelter. Ensure that only
384 designated staff trained in infection control procedures attend to animals held in isolation.

385 C. Ensure that sick or injured animals are offered for adoption or foster care only
386 after disclosing the animal's condition and providing recommendations for proper
387 treatment including veterinary care;

388 D. Before releasing a dog, cat or ferret four months of age or older for adoption or
389 foster care, the animal shelter owner or operator shall ensure that the animal is currently
390 immunized against rabies in accordance with the King County Board of Health Rabies
391 Regulations, BOH Chapter 8.04;

392 E. At all times when the animal shelter is open to the public, the owner or
393 operator shall ensure a person in charge is present at the establishment and responsible
394 for the care and welfare of the pets. The person in charge, or other employee or
395 employees under the supervision of the person in charge, shall feed, water and perform
396 necessary cleaning on all days the animal shelter is closed to the public, or as may be
397 required by the director;

398 F. At all times that animals are allowed to commingle for the purposes of play or
399 exercise, the animal shelter owner or operator shall ensure that there is direct supervision
400 by a sufficient number of trained employees responsible for the management of the
401 playgroup, including:

402 1. Maintaining a person in charge present at all times that any pet animal is
403 present at the establishment;

2. For every twenty pet animals commingled in any common play area at the facility, maintaining the presence of no fewer than one supervisory employee responsible for the welfare of the animals and equipped to immediately remove animal feces, urine or other bodily fluids followed by cleaning and disinfection of the soiled area. For purposes of this section, persons actively engaged in grooming or who are viewing animals by video camera do not qualify as supervisory employees for pets in commingled groups.

3. Prevent overcrowding of animals in the community areas; and

4. The director may limit the number of animals that may be maintained in a common play area in order to prevent overcrowding and reduce the risk of zoonotic disease transmittal; and

G. An animal shelter may not offer commercial overnight boarding, pet daycare services or pet grooming services unless the animal shelter has obtained a public health permit for theses services in accordance with the requirements of this title, as applicable.

NEW SECTION. SECTION 16. Animal health, care, and disease prevention standards for pet grooming services. The owner or operator of a pet grooming service shall at all times maintain compliance with the following animal care and disease prevention standards:

A. Pets shall not be left unattended before a hot air dryer and care must be taken when using dryers to prevent burning;

B. Tethering must be done in a manner that the tethered animal cannot become entangled with other pet animals and other objects, and designed to prevent the pet from falling or being hanged. The tether and/or grooming loop must be attached to the dog by means of a well-fitted and non-tightening collar or loop and the other end attached to a

427 solid attachment. All tethering chains and/or grooming loops shall have a swivel.

428 Grooming loops, tethers, or muzzles may be used only under constant direct human
429 supervision;

430 C. Grooming equipment including but not limited to clipper blades, combs and
431 brushes shall be cleaned and disinfected after each pet has been groomed;

432 D. Pets admitted for grooming services and found to be sick or significantly
433 injured, and those suspected of having a contagious disease, shall be immediately
434 separated from those appearing healthy and normal. Such animals shall be released to
435 their owners or receive veterinary care as soon as possible after the illness or injury is
436 discovered;

437 E. Before admission of a dog, cat or ferret four months of age or older, the owner
438 or operator shall obtain a copy of a valid rabies certificate or other verification from a
439 licensed veterinarian, or written acknowledgment from the pet owner, that the animal is
440 currently immunized against rabies in accordance with the King County Board of Health
441 Rabies Regulations, BOH chapter 8.04, as amended, except that verification or
442 acknowledgment of rabies vaccination is waived at facilities where animal grooming or
443 bathing is performed only by pet owners;

444 F. At all times that the pet grooming services facility is open to the public or in
445 use, the owner or operator shall ensure a person in charge is present at the facility and
446 responsible for the care and welfare of the pets;

447 G. Pet animal holding or drying areas shall be large enough to allow the animal
448 to stand, lie down, and turn around;

449 H. Cages and grooming areas such as tables, benches and tubs shall be
450 structurally sound and maintained in good repair; and

451 I. A pet grooming business may not offer overnight boarding, pet daycare
452 services, pet adoption services or sales of pets unless the pet grooming business has
453 obtained a public health permit for these services in accordance with the requirements of
454 this title, as applicable.

455 **NEW SECTION. SECTION 17. Infection control plan for commercial**
456 **kennels, pet daycare facilities, animal shelters and pet grooming services.**

457 A. The owner or operator of a commercial kennel, pet daycare facility, animal
458 shelter or pet grooming service shall develop and maintain a written basic infection
459 control plan, approved by the director, specifying the schedule for cleaning and
460 disinfection of cages, surfaces, and equipment; proper methods for handling and disposal
461 of soiled animal bedding, litter, and wastes; disinfectants to be used; and personal
462 protective measures, including, but not limited to gloves and handwashing, to be used by
463 employees.

464 B. The owner or operator shall ensure the basic infection control plan identifies a
465 licensed veterinarian or veterinary practice that is routinely consulted or available for
466 consultation on animal health, disease prevention, immunization and parasite control and
467 includes contact information for the director's duly authorized representatives.

468 C. The director is authorized to review the infection control plan and approve or
469 disapprove the plan during regular inspections of the commercial kennel, pet daycare
470 facility, animal shelter or pet grooming service.

471 D. The director is authorized to provide assistance to the owner or operator in
472 developing the basic infection control plan. For example, the director may provide the
473 owner or operator a model or sample plan free of charge.

474 NEW SECTION. SECTION 18. **Recordkeeping requirements for commercial**
475 **kennels, pet daycare facilities and animal shelters.**

476 A. The owner or operator of a commercial kennel, pet daycare facility or animal
477 shelter shall maintain written records as applicable and as described in this section. The
478 owner or operator shall include the following information in the written records:

- 479 1. Dates of attendance;
- 480 2. Owners address and telephone number;
- 481 3. Type of animal, including breed;
- 482 4. Animal's name;
- 483 5. Date or dates of rabies vaccinations or owner's written acknowledgment of
484 current rabies vaccination;
- 485 6. Dates of any bite inflicted by the animal to another animal or human, or
486 animal bite received by the animal at the facility; and
- 487 7. Any illness or injury requiring the animal to be placed into the isolation area
488 or removed from the premises for veterinary care.

489 B. The owner or operator of any animal shelter shall maintain written records for
490 each animal attending the shelter, including the following:

- 491 1. Date of adoption, rescue or placement into foster care, as applicable;
- 492 2. Name, address and telephone number of the owner or the person adopting,
493 rescuing or fostering the pet, as applicable;

3. Type of animal, including breed if applicable;

4. Animal's name, if applicable;

5. Shelter identification number and tattoo, microchip or bird leg band number,
as applicable;

6. Date or dates of rabies vaccination or vaccinations, as applicable under BOH
chapter 8.04;

7. Dates of any known or suspected zoonotic disease occurrence;

8. Bite inflicted or received by the animal; and

9. Any illness or injury requiring the animal to be placed into the isolation area
or removed from the premises for veterinary care.

C. The owner or operator of any commercial kennel, pet daycare facility or
animal shelter shall maintain at the establishment all written records required by this
section for a period of not less than three hundred sixty-five days after the date of release
of the animal from the establishment, and make such records available to the director for
examination upon request.

NEW SECTION. SECTION 19. Variance.

A. The director may grant a variance to the commercial kennel, pet daycare
facility, animal shelter or pet grooming service owner or operator by modifying or
waiving the requirements of this chapter if in the opinion of the director a health hazard
will not result from the variance. The applicant for a variance shall submit application in
writing and shall include:

1. A statement of the proposed variance of the code requirement citing relevant
code section numbers; and

517 2. A statement of the rationale for how the potential public health hazards
518 addressed by the relevant code sections will be alternatively addressed by the proposal,
519 and shall include documentation or other relevant evidence in support of the rationale.

520 B. Any variance granted or denied by the director shall be in writing and shall
521 include:

522 1. A statement of the proposed variance of the code requirement citing relevant
523 code section numbers;

524 2. An analysis of the rationale and evidence for how the potential public health
525 hazards addressed by the relevant code sections will or will not be alternatively
526 addressed, as applicable, by the proposal; and

527 3. As applicable, any conditions or other requirements the director determines
528 necessary so that the relevant code sections waived or modified will be alternatively
529 addressed in order to protect the public against a health hazard.

530 C. A commercial kennel, pet daycare facility, animal shelter or pet grooming
531 service owner or operator may appeal a variance denial by submitting a written appeal
532 request to the director within ten business days of the date of service of the director's
533 written variance denial decision. The director is authorized, after an appeal conference,
534 to issue a final variance decision to affirm, modify, or withdraw the initial variance
535 decision. The final variance decision shall be in writing, contain findings and
536 conclusions, and be issued by a director designee other than the director designee who
537 made the initial variance decision.

538 NEW SECTION. SECTION 20. Permit requirement.

539 A. It is unlawful to maintain or operate a commercial kennel, pet daycare facility,
540 animal shelter or pet grooming service without a valid commercial kennel, pet daycare
541 facility, animal shelter or pet grooming service operating permit issued by the director.
542 Veterinarians shall obtain the required licenses for any service other than one which by
543 law may be performed only by a veterinarian. However, no such a license shall be
544 required for the veterinarian's possession of animals solely for the purposes of veterinary
545 care.

546 B. Each permit for a commercial kennel, pet daycare facility, animal shelter or
547 pet grooming service is valid only for the location or establishment and owner for which
548 it is issued, except that a Category 3 animal shelter permit is valid for each of the permit
549 holder's pet adoption service locations in King County and identified in writing to the
550 director. A separate permit shall be obtained for each separate location or establishment
551 and owner of a commercial kennel, pet daycare facility or pet grooming service.

552 C. The director shall designate each animal shelter as either a Category 1,
553 Category 2 or Category 3 animal shelter based on the following criteria:

554 1. Category 1: Animal shelter performing not more than one thousand five
555 hundred animal adoptions per calendar year, but not including a Category 3 animal
556 shelter;

557 2. Category 2: Animal shelter performing more than one thousand five hundred
558 animal adoptions per calendar year, but not including a Category 3 animal shelter; and

559 3. Category 3: Animal shelter operating a satellite pet adoption facility in a
560 permitted pet shop, commercial kennel, pet daycare facility, pet grooming service or pet
561 food retail business in King County.

D. Except as otherwise provided in this chapter, each commercial kennel, pet daycare facility, animal shelter or pet grooming service operating permit is an annual permit and shall expire on the date established by the director.

E. Permits remain the property of the director. The commercial kennel, pet daycare facility, animal shelter or pet grooming service owner or operator shall display each permit issued pursuant to this chapter conspicuously in the establishment for which it is issued unless the permit is expired or is suspended or revoked. Any expired, suspended or revoked permit is subject to removal by the director.

NEW SECTION. SECTION 21. Plan review application process.

A. A commercial kennel, pet daycare facility, animal shelter or pet grooming service permit applicant or permit holder shall submit to the director a plan review application, including completed plans and specifications, before the facility is constructed, an existing structure is converted for use as a commercial kennel, pet daycare facility, animal shelter or pet grooming service, or any such existing facility is remodeled and the director determines that review of plans and specifications is necessary to ensure compliance with this chapter.

B. The applicant or permit holder shall submit the plan review application at least thirty days before the date planned for opening the establishment, unless a different period is approved by the director.

C. The commercial kennel, pet daycare facility, animal shelter or pet grooming service owner or operator shall include the following information in the plans and specifications:

584 1. Types of animals kept or served at the facility, including types and quantities
585 of foods stored and provided for the animals;

586 2. Proposed indoor and outdoor facility layout, including mechanical
587 equipment, heating, lighting, plumbing, provisions for isolation room or area (except
588 mobile grooming units) and construction schedule;

589 3. Description of and types of material used for walls, floors, fencing, kennels,
590 runs, animal enclosures, sinks and drains, and dimensions of any animal enclosures;

591 4. Description of types of waste disposal, including dead animals, sewage
592 disposal and indoor and outdoor animal waste disposal; and

593 5. Other information the director may require for review of the proposed
594 construction, conversion or remodeling to ensure compliance with this chapter.

595 NEW SECTION. SECTION 22. Permit application process.

596 A. The commercial kennel, pet daycare facility, animal shelter or pet grooming
597 service owner or operator shall submit a permit application in writing, on a form provided
598 by the director, at least thirty calendar days before the date planned for opening the
599 facility or the expiration date of the current permit for an existing facility unless a
600 different period is approved by the director. The application shall include:

601 1. The name, mailing address, telephone number and signature of the person
602 applying for the permit, and the name, mailing address, telephone number and location of
603 the commercial kennel, pet daycare facility, animal shelter or pet grooming service;

604 2. The name, mailing address and telephone number of: the legal owner of the
605 commercial kennel, pet daycare facility, animal shelter or pet grooming service, whether

606 it be an association, corporation, individual, partnership, or other legal entity; and the
607 local resident agent if one is required based on the type of legal ownership;

608 3. A written basic infection control plan as required by this chapter;

609 4. For a new commercial kennel, pet daycare facility, animal shelter or pet
610 grooming service or for a change of ownership, information specifying the types of
611 animals to be admitted to the facility;

612 5. A statement signed by the applicant that attests to the accuracy of the
613 information provided in the application and affirms that the applicant will comply with
614 this code; and

615 6. Other information required by the director to ensure compliance with this
616 chapter.

617 B. The applicant shall ensure that the proposed commercial kennel, pet daycare
618 facility, animal shelter or pet grooming service location, use and structure or structures
619 are consistent with applicable building, plumbing, zoning, land use and environmental
620 laws.

621 C. The applicant shall pay the applicable permit and plan review fees at the time
622 the application is submitted.

623 D. Before issuing an operating permit for a new, converted, or remodeled
624 commercial kennel, pet daycare facility, animal shelter or pet grooming service, the
625 director shall inspect the proposed premises. The director shall deny the permit
626 application if the director finds the premises to be unsanitary, unsuitable for sanitary use
627 as a commercial kennel, pet daycare facility, animal shelter or pet grooming service, or
628 otherwise to adversely affect the health, safety or welfare of the public.

629 E. The director may issue a new or renewal permit to the applicant or may issue a
630 permit to a new owner of an existing commercial kennel, pet daycare facility, animal
631 shelter or pet grooming service after a properly completed application is submitted, all
632 outstanding fees are paid, the application is reviewed and approved, and the director has
633 determined the establishment to be in compliance with the requirements of this code.

634 F. The director may deny the permit application if the applicant has any
635 outstanding monies owed to the Seattle-King County Department of Public Health for
636 permit fees, late fees, checks returned by the bank, civil penalties, or other miscellaneous
637 fees.

638 G. If an application for a permit to operate is denied, the director shall provide
639 the applicant with a notice that includes:

- 640 1. The specific reasons and code citations for the permit denial; and
641 2. The actions, if any, that the applicant must take to qualify for a permit or to
642 re-submit a permit application.

643 **NEW SECTION. SECTION 23. Inspections.**

644 A. After presenting identification credentials, the director is authorized to enter
645 and conduct inspections of any commercial kennel, pet daycare facility, animal shelter or
646 pet grooming service during normal business hours, hours of operation, and other
647 reasonable times to determine compliance with and enforce the requirements of this code,
648 including the conditions of a permit or variance. The facility owner or operator shall
649 allow the director to enter and inspect the establishment, and the establishment's records
650 required to be maintained under this chapter, to determine compliance with and enforce
651 the requirements of this code, including the conditions of a permit or variance. The

652 director is also authorized to enter any facility for the purpose of providing information
653 and education to the establishment's personnel, including written materials and
654 consultation on good sanitation practices and methods to prevent the spread of zoonotic
655 disease.

656 B. The director shall document on an inspection form:

657 1. Administrative information about the facility including name, location, name
658 of owner or person in charge, inspection date, and permit status;

659 2. The director's inspection findings, including factual observations of
660 violations, nonconformance with this code, or other substandard conditions that require
661 correction by the permit holder;

662 3. Failure of any owner, operator or employee of the facility to allow the
663 director access to the premises or to the establishment's records for purposes of
664 determining compliance with and enforcing the requirements of this code;

665 4. Notification requiring correction of any violations, including the time frame
666 for completing the corrections;

667 5. Notification that an opportunity for an office conference to review the
668 inspection findings will be provided if a written appeal of the inspection report is
669 submitted within ten days following the date of the inspection; and

670 6. Other information the director deems necessary to include on the inspection
671 report.

672 C. At the conclusion of the inspection, the director shall furnish the owner,
673 operator, or person in charge of the commercial kennel, pet daycare facility, animal
674 shelter or pet grooming service a duplicate of the completed inspection report. The

completed inspection report is subject to public disclosure in accordance with the requirements of chapter 42.56 RCW, as amended.

D. The director shall inspect a commercial kennel, pet daycare facility, animal shelter or pet grooming service during its permit period, unless the director develops a written risk-based plan that establishes an alternative inspection period for certain categories of facilities that is uniformly applied throughout the county.

NEW SECTION. SECTION 24. Compliance methods. The director may initiate any one, or a combination of, compliance methods that include, but are not limited to:

A. Issuing a notice of closure in accordance with this chapter;

B. Suspending or revoking the commercial kennel, pet daycare facility, animal shelter or pet grooming service permit in accordance with this chapter and BOH chapter 1.08;

C. Holding an administrative conference with the commercial kennel, pet daycare facility, animal shelter or pet grooming service permit holder or person in charge;

D. Placing the commercial kennel, pet daycare facility, animal shelter or pet grooming service on probation and setting conditions for continued operation of the establishment, by the permit holder, during the probation period;

E. Requiring additional education or training of owners, operators, and employees of the commercial kennel, pet daycare facility, animal shelter or pet grooming service; or

F. Reporting inspection findings to the appropriate animal control or law enforcement authority.

698 NEW SECTION. SECTION 25. Permit suspension.

699 A. The director may suspend any permit to operate a commercial kennel, pet
700 daycare facility, animal shelter or pet grooming service if:

- 701 1. Continued operation of the establishment constitutes an immediate and
702 irreparable health hazard;
- 703 2. Operations, facilities or equipment in the establishment fail to comply with
704 this title;
- 705 3. The permit holder does not comply with this title;
- 706 4. Interference with the director in the performance of his or her duties has
707 occurred; or
- 708 5. The owner or operator does not comply with the conditions of a variance.

709 B. When the director has suspended a commercial kennel, pet daycare facility,
710 animal shelter or pet grooming service permit, the director shall notify the facility owner
711 or operator in writing that:

- 712 1. The facility permit is immediately suspended upon service of the notice;
- 713 2. The facility owner or operator must immediately cease all facility operations
714 until the director finds, after reinspection or after a hearing with the owner or operator,
715 that the facility is in compliance with this title;
- 716 3. The facility owner or operator may request a hearing by filing a written
717 request for a hearing with the director within ten days after receipt of the notice of
718 suspension; and
- 719 4. The suspension is sustained if a written request for a hearing is not timely
720 submitted.

721 C. Any person whose commercial kennel, pet daycare facility, animal shelter or
722 pet grooming service permit has been suspended may at any time apply in writing for a
723 reinspection for the purpose of reinstatement of the permit. The application shall include
724 a signed statement explaining how the conditions causing the suspension of the permit
725 have been corrected.

726 D. Within two working days after receipt of a written request for reinspection, the
727 director shall reinspect the facility and reinstate the permit if the director finds that the
728 facility has been brought into compliance with this title.

729 NEW SECTION. SECTION 26. Permit revocation.

730 A. The director may revoke a commercial kennel, pet daycare facility, animal
731 shelter or pet grooming service permit after providing the permit holder an opportunity
732 for a hearing if:

733 1. Serious and repeated violation or violations of any requirements of this title
734 have occurred; or

735 2. Repeated interference with or assault upon the director in the performance of
736 his or her duties has occurred.

737 B. Before revocation, the director shall notify the permit holder in writing of the
738 specific reason or reasons why the permit is to be revoked. The notice shall state:

739 1. That the permit shall be revoked at the end of the ten days following the
740 notice unless a written request for a hearing is filed with the director by the permit holder
741 within such ten-day period; and

742 2. If a request for a hearing is not filed by the permit holder within the ten-day
743 period, the revocation of the permit becomes final.

744 C. Any person whose commercial kennel, pet daycare facility, animal shelter or
745 pet grooming service permit has been revoked may, after a period of six months after the
746 revocation, apply in writing for a new permit and request a hearing with the director to
747 determine whether a new permit will be issued.

748 NEW SECTION. SECTION 27. Closure.

749 A. The director may issue a notice of closure to a commercial kennel, pet daycare
750 facility, animal shelter or pet grooming service requiring the owner or operator to cease
751 operation of the facility within ten days after issuance of the notice of closure if the
752 owner or operator has:

753 1. Failed to submit plans or receive approval from the director of plans as
754 required by this chapter, or an inspection indicates construction or renovation at the
755 facility is not in substantial compliance with plans approved by the director;

756 2. Failed to submit a permit application or receive the director's approval of a
757 permit application for a commercial kennel, pet daycare facility, animal shelter or pet
758 grooming service; or

759 3. Failed to pay a permit fee or any other applicable fee required by this code.

760 B. The notice of closure shall state:

761 1. That the commercial kennel, pet daycare facility, animal shelter or pet
762 grooming service shall discontinue operation and cease admission of animals to the
763 facility within ten days after issuance of the notice;

764 2. The reason or reasons for the closure order; and

765 3. That the owner or operator may request reconsideration of the closure order
766 by filing a written request with the director within ten days after delivery of the notice of
767 closure.

768 C. After receiving a request for reconsideration of a closure order, the director
769 may conduct an office conference at a time and place designated by the director. As a
770 result of information presented at the office conference, the director may issue a final
771 order affirming, modifying or revoking the director's closure order and furnish a written
772 report of the director's decision to the commercial kennel, pet daycare facility, animal
773 shelter or pet grooming service owner or operator. The owner or operator may appeal the
774 director's final order to the King County hearing examiner in accordance with K.C.C.
775 chapter 20.24.

776 NEW SECTION. SECTION 28. Immediate closure for imminent and
777 **substantial dangers.** Notwithstanding any other provision of this chapter, the director
778 may order immediate closure of a commercial kennel, pet daycare facility, animal shelter
779 or pet grooming service to prevent an imminent and substantial danger to the public
780 health by any zoonotic disease.

781 NEW SECTION. SECTION 29. Enforcement and rulemaking authority. In
782 addition to or as an alternative to the other compliance methods of this chapter, the
783 director is authorized to enforce this chapter in accordance with BOH chapter 1.08 and to
784 adopt rules consistent with this chapter for the purpose of carrying out and enforcing its
785 provisions. The director is also authorized to request the assistance of the appropriate
786 animal control or law enforcement authority in carrying out and enforcing this chapter,

787 and to report animal abuse, cruelty or neglect to the animal control or law enforcement
788 authority.

789 NEW SECTION. SECTION 30. Violation. It is unlawful for any owner,
790 operator, or employee of a commercial kennel, pet daycare facility, animal shelter or pet
791 grooming service to fail to comply with the requirements of this chapter or any order of
792 the director issued to carry out or enforce the requirements of this chapter.

793 SECTION 31. Severability. If any provision of this rule or its application to any
794 person or circumstance is held invalid, the remainder of the rule or the application of the

795 provision to other persons or circumstances is not affected.

796 SECTION 32. **Effective date.** This rule takes effect March 1, 2010.

797

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

ATTEST:

Attachments None